



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,956	11/13/2001	Hans Robertsson	19391.0027	6558

7590 10/02/2003

Swidler Berlin Shereff Friedman  
Suite 300  
3000 K Street NW  
Washington, DC 20007-5116

EXAMINER
----------

CHENG, JOE H

ART UNIT	PAPER NUMBER
----------	--------------

3713

DATE MAILED: 10/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/914,956

Applicant(s)

ROBERTSSON ET AL.

Examiner

Joe H. Cheng

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 5, 7, 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-12 and 15-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. In response to the Amendment filed on July 29, 2003, claims 1-33 are pending.

#### *Election/Restriction*

2. Applicant's election of Species #2 in Paper No. 9 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election **without traverse** (MPEP § 818.03(a)). Hence, the requirement is still deemed proper and is therefore made **FINAL**.

3. Claims 5, 7, 13 and 14 are withdrawn from further consideration by the examiner, 37 C.F.R. § 1.142(b) as being drawn to the nonelected Species 3-6. Election was made **without traverse** in Paper No. 9.

#### *Drawings*

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “wavelength converter”, “a projection screen”, the “means of an artificial light source”, “means of guiding light that guides ambient light to the reticle”, “common focusing optical elements for their focusing”, “components that are mechanically attached to each other in the focal plane of the common optical system”, “a demountable module” includes “at least one of the devices related to the alignment beam”, “parts of the means of adjustment”, or “a means for storing data” and the

Art Unit: 3713

“means of the same optical components” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. Correction is required.

### ***Specification***

5. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required. In addition, it is appeared that the instant application is a direct translation of the claimed priority Swedish document, a substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter. Correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention. The references for the “wavelength converter”, “a projection screen”, the “means of an artificial light source”, “means of guiding light that guides ambient light to the reticle”, “common focusing optical elements for their focusing”, “components that are mechanically attached to each other in the focal plane of the common optical system”, “a demountable module” includes “at least one of the devices related

Art Unit: 3713

to the alignment beam”, “parts of the means of adjustment”, or “a means for storing data” and the “means of the same optical components” have not been clearly set forth. Without a clear description of the aforementioned elements, one ordinary skill in the art can not practice the invention without undue experimentation. ***NO NEW MATTER*** should be entered.

8. Claims 1-4, 6, 8-12 and 15-33 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-4, 6, 8-12 and 15-33 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. In addition, applicant is requested to cancel all the reference numbers in the claims, so as to clarify the confusion.

Further, it is not understood as to what the “wavelength converter” (as per claims 3, 11 and 28), “means of an artificial light source” (as per claim 17), “means of guiding light that guides ambient light to the reticle” (as per claim 19), “common focusing optical elements for their focusing” (as per claim 20), “components that are mechanically attached to each other in the focal plane of the common optical system” (as per claim 21), “a demountable module” (as per

Art Unit: 3713

claim 22) includes "at least one of the devices related to the alignment beam" (as per claim 23), "parts of the means of adjustment" (as per claim 24) or "a means for storing data" (as per claim 25), "a wavelength converter material" (as per claim 29), "the conduct of an alignment" or "a check of the alignment" (as per claim 31), and "means of the same optical components" (as per claim 33) are being referred to. Furthermore, claim 6 should be recited as being depended on claim 4 and claims 31 and 32 should be recited as being depended on claim 30, so as clarify the indefinite and the antecedent basis.

***Claim Rejections - 35 USC § 102***

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-4, 6, 9-12, 15-16, 20-25, 27-29 and 33 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Goda (U.S. Pat. No. 4,464,974). The broadly claimed structure can be interpreted as the device for the shooting simulation of sight-controlled missiles of Goda. Figs. 1 and 2 of Goda broadly discloses the method and simulator constructed for the simulation of firing which is mounted onto a weapon with a sight (12) comprising the laser emitter (34) for emitting an electromagnetic simulator beam exiting along a simulator axis (38); a second device (48) for generating an alignment beam along an alignment axis, the angle between the simulator axis and the alignment axis is zero degree and mutually parallel; means for adjustment (22) for collectively guiding the alignment axis and the simulator axis during the

Art Unit: 3713

alignment of the simulator axis with the sight to maintain the fixed relative angular relationship between the simulator axis and the alignment axis; the wavelength converter for converting the alignment beam to visible light (see column 5, lines 4-10); a reflection device having a prism (54) with a first and second reflecting surfaces arranged at an angle relative to each other than the alignment beam is deflected back to the sight with the alignment axis parallel to the simulator axis; and means for storing data (60) that has been supplied to the simulator in association with an alignment; wherein the simulator is arranged in a demountable module (see Fig. 2).

### ***Claim Rejections - 35 USC § 103***

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

Art Unit: 3713

3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

15. Claims 17-19 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Goda (U.S. Pat. No. 4,464,974) in view of Parikh et al (U.S. Pat. No. 5,476,385). It is noted that the teaching of Goda does not explicitly disclose the illuminated reticle (as per claim 17) and an artificial light source (as per claim 18) as required. However, Figs. 1A-8 of Parikh et al broadly discloses that such features of guiding the artificial light source (72) to illuminate an illuminated reticle (54) in the focal plane of an optical system are old and well known. Hence, it would have been obvious to one of ordinary skill in the art to modify the simulator of Goda with the features of the illuminated reticle and an artificial light source as taught by Parikh et al as both Goda and Parikh et al are directed to the simulator, so as to provide the alignment beam for aiming the weapon during simulating firing.

16. Claims 26 and 30-32 as best understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Goda (U.S. Pat. No. 4,464,974) in view of Clarke (U.S. Pat. No. 4,619,616). It is noted that the teaching of Goda does not specifically disclose the alignment mark (as per claims 26 and 30) which is visible during every shot fired by the weapon (as per claim 32) as required. However, Figs. 1-5(b) of Clarke broadly discloses that such feature of alignment mark (34) which is visible during every shot fired by the weapon is old and well known. Hence, it would have been obvious to one of ordinary skill in the art to modify the method and simulator of Goda with the features of the alignment mark which is visible during every shot fired by the



Art Unit: 3713

weapon as taught by Clarke as both Goda and Clarke are directed to the method and simulator, so as to provide the alignment mark for guiding the user during every shot fired by the weapon.

***Allowable Subject Matter***

17. Claims 8 and 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Marshall (U.S. Pat. No. 3,898,747) - note Figs. 1-5;

McFarland et al (U.S. Pat. No. 4,063,368) - note Figs. 1-6;

Brooksby (U.S. Pat. No. 4,264,309) - note Figs. 1-4;

Matthews (U.S. Pat. No. 4,313,272) - note Figs. 1-4;

Marshall et al (U.S. Pat. No. 4,439,156) - note Figs. 1-10;

Allard et al (U.S. Pat. No. 4,534,735) - note Figs. 1-5c;

Eichweber (U.S. Pat. No. 4,689,016) - note Fig. 1;

Becker (U.S. Pat. No. 4,844,476) - note Figs. 1-5b;

Eichweber (U.S. Pat. No. 4,917,609) - note Figs. 1-3;

Hill (U.S. Pat. No. 4,955,812) - note Figs. 1-4;

Khattak et al (U.S. Pat. No. 4,963,096) - note Figs. 1-4;

Rod et al (U.S. Pat. No. 5,954,507) - note Figs. 1-8a;

Art Unit: 3713

Kenyon (U.S. Pat. No. 6,123,288) - note Figs. 1-5;

Gerber (U.S. Pat. No. 6,174,469 B1) - note Figs. 1-9;

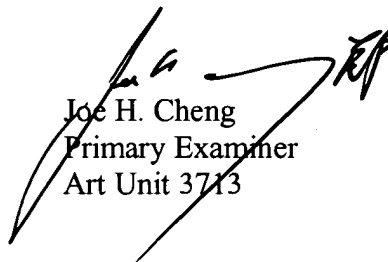
Varshneya et al (U.S. Pat. No. 6,406,298 B1) - note Figs. 1-11;

Rogers (U.K. Pat. No. GB 2 159 255 A) - note Fig. 1.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe H. Cheng whose telephone number is (703)308-2667. The examiner can normally be reached on Tue. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703)308-1327. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9302 for regular communications and (703)872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

  
Joe H. Cheng  
Primary Examiner  
Art Unit 3713

Joe H. Cheng  
September 25, 2003